

MICT-12-25
14-11-2013
(291/ter - 275/ter)

291/ter
JN



**Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho u Rwanda**

Arusha International Conference Centre
P.O. Box 6016, Arusha, Tanzania

Umuryango
w'Abibumbye

Tel: 255 27 2504207-11/2504367-72 or 1 212 963 2850 — Fax: 255 27 2504000/2504373 or 1 212 963 2848

28 Ukwakira 2013

Kuri: Perezida
Urwego rushinzwe kurangiza imirimo y'Inkiko Mpanabyaha
Mpuzamahanga (« MICT »)

Binyujijwe kuri: Gerefiye
MICT

Gerefiye
Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u
Rwanda (« TPIR »)

Byanditswe na: Anees Ahmed
Umugenzuzi washyizweho na TPIR/MICT mu rubanza rwa
Munyagishari

**Raporo y'ubugenzuzi mu rubanza rwa
Uwinkindi (Nzeri 2013)**

Received by the Registry
Mechanism for International Criminal Tribunals
14/11/2013 16:31

R(RM)13-0008K

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

Amashakiro

I.	INTANGIRIRO	3
II.	RAPORO MU MAGAMBO ARAMBUYE.....	3
	<i>A. Ingengabihe y'iburanisha n'amafaranga yishyurwa ku maperereza y'Ubwunganizi</i>	3
	<i>B. Ibiganiro na Minisiteri y'Ubutabera</i>	8
	<i>C. Ibiganiro na Bwana Uwinkindi byo ku itariki ya 26 Nzeri 2013</i>	9
	<i>D. Ibiganiro n'Umuyobozi wa Gereza byo ku itariki ya 26 Nzeri 2013</i>	12
	<i>E. Inama n'ibiganiro n'abayobozi bo mu Bushinjacyaha.....</i>	14
	<i>F. Ibaruwa isaba « kwisobanura » yanditswe n'Urugaga rw'Abavoka</i>	15
	<i>G. Ibijyanye no kurinda umutekano w'abatangabuhamya</i>	16
	<i>H. Ishyirwaho ry'umugenzuzi mushya.....</i>	17
III.	UMWANZURO.....	17

I. INTANGIRIRO

1. Iyi Raporo (« Raporo ») yerekeye ibyakozwe mu rubanza rwa Uwinkindi ruburanishwa n'inkiko zo mu Rwanda hamwe n'ibiganiro abagenzuzi bashyizweho na TPIR/ICTR bagiranye n'abafatanyabikorwa banyuranye, muri Nzeri 2013 (« Igihe kirebwa n'iyi raporo »¹. Mu gihe kirebwa n'iyi raporo, abagenzuzi (Anees Ahmed, Constant Hometowu na Samuel Algozin) bagiye mu Rwanda inshuro eshatu².
2. Ku itariki ya 11 Ukwakira 2013, Urukiko Rukuru rwategetse ko iburanisha ry'urubanza rwa Uwinkindi rizasubukurwa ku itariki ya 18 Ugushyingo 2013.

II. RAPORO MU MAGAMBO ARAMBUYE

A. *Ingengabihe y'iburanisha n'amafaranga yishyurwa ku maperereza y'Ubwunganizi*

3. Ku itariki ya 16 Gicurasi 2013, inteko y'Abacamanza b'Urukiko Rukuru rw'u Rwanda yafashe ibyemezo birimo ibikurikira:
 - a. Rwanze icyifuzo cy'Ubwunganizi gisaba gushyiraho abapererezi b'Ubwunganizi n'abafasha mu by'amategeko;
 - b. Rwategetse ko Ubwunganizi bwegera Minisiteri y'Ubutabera y'u Rwanda (« MINIJUST ») n'Urugaga rw'abavoka rw'i Kigali (« Urugaga rw'abavoka »)

¹ By'umwihariko, iyi raporo inakubiyemo ibyabaye mu iburanisha ryo ku itariki 11 Ukwakira 2013 mu Rukiko Rukuru kubera ko iryo buranisha rifitanye isano cyane n'ibivugwa muri iyi raporo.

² Izo ngendo zari zinagamije kugenzura imigendekere y'urubanza rwa Bwana Bernard Munyagishari, woherejwe na ICTR/TPIR kuburanishwa mu Rwanda ku itariki ya 24 Nyakanga 2013.

28 Ukwakira 2013

kugira ngo buzahabwe amafaranga yo kubworohera ikorwa ry'amaperereza buteganya gukora³ ;

- c. Rwategetse Ubwunganizi kurushyikiriza imyanzuro yabwo bitarenze itariki ya 20 Kanama 2013; ndetse
 - d. Runagena kuzasubukura iburanisha ry'urubanza ku itariki ya 5 Nzeri 2013.
4. Ku itariki ya 5 Nzeri 2013, rumaze kumva Ubushinjacyaha, Avoka wungirije ari we Jean-Baptiste Niyibizi ndetse n'Uregwa ari we Uwinkindi, Urukiko Rukuru rwasanze Ubwunganizi butaratanze « imyanzuro yabwo » ku itariki yagenwe. Urukiko rwategetse ko urubanza rwatangirira ku buhamya bw'abatangabuhamya bashinjura baba mu Rwanda, ibyo bigatuma hakomeza imishyikirano hagati y'Ubwunganizi na Minisiteri y'Ubutabera ku birebana no guhabwa amafaranga yakoreshe mu gushaka abatangabuhamya baba mu mahanga. Urukiko rwasanze Uwinkindi yemera icyo gitekerezo. Kubera iyo mpamvu, Urukiko rwategetse Ubwunganizi kurushyikiriza « imyanzuro yabwo » bitarenze itariki ya 4 Ukwakira 2013, runategeka ko urubanza ruzasubukurwa ku itariki ya 11 Ukwakira 2013⁴.
 5. Ku itariki ya 11 Ukwakira 2013, icyo kibazo cyasuzumwe n'inteko y'Abacamanza batatu bo mu Rukiko Rukuru. Ubushinjacyaha bwari buhagarariwe na Jean-Bosco Mutangana na Bonaventure Ruberwa. Ubwunganizi bwari buhagarariwe na Gatera Gashabana, Avoka mukuru na Niyibizi, Avoka wungirije. Nakurikiranye iburanisha ndi kumwe na Samuel Algozin, umugenzuzi mushya washyizweho na ICTR/MICT, ndetse na Vincent Lyimo, umugenzuzi wagenwe na Porokireri wa TPIR/MICT.
 6. Iburanisha ryo ku itariki 11 Ukwakira 2013 rigitangira, Abacamanza bavuze ko Ubwunganizi butatanze imyanzuro yabwo nk'uko bwabisabwe maze babusaba gusobanura impamvu yatumye butubahiriza icyemezo cy'Urukiko cyo ku itariki ya 5 Nzeri 2013. Gashabana, Avoka wunganira Uregwa yavuze ko Ubwunganizi

³ Muri iyi raporo ijamba «Ubwunganizi» bivuga avoka wunganira cyangwa abavoka bunganira.

⁴ Ibyabaye mu iburanisha ryo ku itariki ya 5 Nzeri 2013 bisobanurwa mu buryo burambuye muri Raporo y'ubugenzuzi ku rubanza rwa Uwinkindi yo muri Nyakanga-Kanama 2013.

28 Ukwakira 2013

bwabonye kopi y'icyo cyemezo ku itariki ya 13 Nzeri 2013, ni ukuvuga iminsi umunani nyuma y'iburanisha ry'Urukiko Rukuru ryo ku itariki ya 5 Nzeri 2013. Bamaze kubona icyo cyemezo ku itariki ya 13 Nzeri, Avoka Gashabana yavuze ko ku itariki ya 17 Nzeri 2013, Ubwunganizi bwandikiye ibaruwa Minisiteri y'Ubutabera busaba amafaranga yo gukoresha mu iperereza. Avoka Gashabana yavuze ko Ubwunganizi nta gisubizo bwigeze bubona ku byerekeye ayo mafaranga. Yanavuze ko icyo kibazo cyamenyeshejwe Urukiko Rukuru mu ibaruwa yo ku itariki ya 4 Ukwakira 2013 aho Ubwunganizi kwasabaga igihe cy'amezi atandatu yo gukora amaperereza uhereye ku itariki Minisiteri y'Ubutabera izaba yabashyikirije ayo mafaranga.

7. Avoka Gashabana yavuze ko hari ibyemezo bibiri—icyo ku itariki ya 16 Gicurasi 2013 n'icyo ku itariki ya 5 Nzeri 2013- byafashwe n'Urukiko Rukuru kandi muri byombi Urukiko rwemereye Ubwunganizi kuvugana na Minisiteri y'Ubutabera busaba amafaranga yo gukoresha mu maperereza yabwo. Avoka Gashabana yavuze ko n'ubwo bagejeje ibyifuzo byabo kuri icyo Minisiteri hashingiwe kuri ibyo byemezo, kugeza kuri uwo muni w'iburanisha, nta mafaranga bari bakabona yo gukoresha mu maperereza yabo. Avoka Gashabana yasobanuye ko Ubwunganizi butari bwabona amafaranga yo gukoresha mu gushaka abatangabuhamya baba mu Rwanda cyangwa baba mu mahanga.
8. Nyuma yo kumva Avoka Gashabana, Perezida w'inteko iburanisha yahise abaza Uwinkindi, nk'uko Urukiko Rukuru rwakunze kubikora mu maburanisha yabaye mbere, niba hari icyo yifuzaga kongera ku byari bimaze kuvugwa. Uwinkindi yasubije avuga ko Minisiteri y'Ubutabera itubahirije ibyemezo Urukiko rwafashe ku itariki ya 16 Gicurasi 2013 no ku ya 5 Nzeri 2013, kandi ko abavoka bamwunganira batabonye amafaranga yo gukoresha mu maperereza cyangwa yo gushaka abatangabuhamya baba mu Rwanda.
9. Avoka Gashabana yasubukuye ingingo zitangwa n'Ubwunganizi avuga ko, ku itariki ya 10 Ukwakira 2013, Ubwunganizi bwabonye imyanzuro yanditse y'Ubushinjacyaha isobanuye birambuye aho bwatambamiraga icyifuzo cyabwo

R(RM)13-0008K

5

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

28 Ukwakira 2013

cyasabaga gusubika urubanza mu gihe cy'amezi atandatu, kandi ko Ubwunganizi bukeneye igihe cy'inyongera kugira ngo busubize Ubushinjacyaha ku birebana n'iyi myanzuro.

10. Umushinjacyaha Mutangana yasubije avuga ko hashize ukwezi n'iminsi itandatu icyemezo cyo ku itariki ya 5 Nzeri 2013 gifashwe ariko ko Ubwunganizi butari bwatangira amaperereza yabwo. Yavuze ko icyo gihe gishize kigaragaza ko Ubwunganizi butubahirije icyemezo cy'Urukiko Rukuru. Umushinjacyaha yavuze ko Ubwunganizi bwategereje kugeza ku muni wa nyuma ntarengwa bwahawe kugira ngo busobanurire Urukiko impamvu yatumye butubahiriza icyemezo cyarwo.
11. Umushinjacyaha Mutangana yavuze ko Minisiteri y'Ubutabera yemeje itangwa ry'amafaranga 876,000 y'u Rwanda (ugereranyije angana n'amadorari y'Abanyamerika 1,311⁵) kandi ko yashyizwe kuri konti iri muri Banki Nkuru y'Igihugu, ku itariki ya 26 Nzeri 2013. Ayo mafaranga kandi ni yo yari yarasabwe n'Abavoka bunganira Uwinkindi.
12. Umushinjacyaha Mutangana yavuze ko kutubahiriza icyifuzo cy'Urukiko bishobora gufatwa ngo kubangamira imikorere myiza y'ubucamanza. Yavuze ko iryo hame ryashinze imizi mu bukemuramanza bwa ICTR/TPIR na ICTY/TPIY.
13. Umushinjacyaha Ruberwa yavuze ko Ubushinjacyaha bwabonye kopi ya sheki Minisiteri y'Ubutabera yagejeje muri Banki Nkuru y'Igihugu. Umushinjacyaha Ruberwa yavuze ko, nyuma yaho, iyo Minisiteri yoherereje Perezida w'Urugaga rw'Abavoka ubutumwa kuri interineti bwo ku itariki ya 27 Nzeri 2013 imenyeshya Urugaga rw'Abavoka ko amafaranga yo gukoresha mu maperereza y'Ubwunganizi yatanze. Umushinjacyaha Ruberwa yongeyeho ko ari « ikinyoma » kuvuga ko Ubwunganizi butabonye amafaranga yo gukoresha mu iperereza ryabwo. Yavuze kandi ko hariho ubutumwa bwo kuri interineti bwerekana ko Avoka Gashabana

⁵ Umubare w'amadorari ushingira ku gaciro k'idorari ry'Abanyamerika ko ku itariki ya 28 Ukwakira 2013 hifashishijwe urubuga rwa interineti www.xe.com ku *rupapuro* <http://www.xe.com/currencyconverter/convert/?Amount=876000&From=RWF&To=USD>.
R(RM)13-0008K

28 Ukwakira 2013

yamenye ko ayo mafaranga yoherejwe ariko ko yahisemo kutabikurikirana kugira ngo afate ayo mafaranga. Yavuze ko ibyo bigaragaza ko Abavoka bunganira Uregwa « badafite ubushake » bwo gukora amaperereza yabo kandi bafite ibikenewe kugira ngo akorwe. Mu gushimangira ingingo ye, Umushinjacyaha Ruberwa yishingikirije ibivugwa mu Nyandiko y'urubanza rwa Léonidas Nshogoza rwaciwe na ICTR/TPIR.

14. Avoka Niyibizi yasubije avuga ko kugeza kuri iyo tariki Ubwunganzi butari bwabona amafaranga bivugwa ko yoherejwe na Minisiteri y'Ubutabera. Yavuze ko ku itariki ya 10 Ukwakira 2013, Urugaga rw'Abavoka na rwo rutari rwabona ayo amafaranga. Avoka Gashabana yongeyeho ariko ko kuri uwo muni (ku itariki ya 11 Ukwakira 2013) mbere y'iburanisha, Ubwunganizi bwari bwamenyeshejwe mu magambo ko ayo mafaranga yashyikirijwe Urugaga rw'Abavoka. Yavuze ko, kubera iyo mpamvu, ibivugwa n'Ubushinjacyaha ko Ubwunganizi bwashoboraga kuyabona guhera ku itariki ya 26 Nzeri 2013 atari ukuri. Avoka Gashabana yavuze ko n'ubwo ayo mafaranga yaba yarashyizwe kuri konti muri Banki Nkuru y'Igihugu, hariho inzira zikurikizwa kugira ngo avoka wunganira asabe amafaranga Urugaga rw'Abavoka.
15. Avoka Gashabana yakomeje avuga bidakwiye ko Ubushinjacyaha buvuga ko Ubwunganizi burimo « bubeshya ». Yavuze ko, kugira ngo habeho urubanza ruboneye n'uburinganire hagati y'abaturanyi, Ubushinjacyaha bugomba kureka Ubwunganizi bugakora umurimo wabwo nta kubutera ubwoba ko buzakorwaho iperereza ku murimo wabwo. Yavuze kandi ko bidahwitse kuba Ubushinjacyaha bwifashishije ibyabaye mu rubanza rwa Nshogoza kubera ko Nshogoza yaburanishijwe na TPIR/ICTR aregwa gusuzugura Urukiko bitewe n'uko yivanze mu itangwa ry'ubuhamya bw'umutangabuhamya.
16. Nyuma y'uko Perezida w'inteko yumvise ingingo z'Ubwunganizi, yabajije Ubushinjacyaha niba busaba ko Urukiko rukurikirana Ubwunganizi hashingiwe ku bukemuramanza bwo mu rubanza rwa Nshogoza. Umushinjacyaha Mutangana yasubije ko Ubushinjacyaha budasaba ko Ubwunganizi bukorwaho iperereza, ariko

R(RM)13-0008K

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

7

28 Ukwakira 2013

ko bwashakaga kumvisha Ubwunganizi ko bidakwiye kutubahiriza ibihe ntarengwa byategetswe n'Urukiko Rukuru.

17. Nyuma yo kumva impande zombi, Urukiko rwagiye kwihereza. Nyuma y'isaha imwe, Urukiko rwagarutse gutanga icyemezo cyarwo aho rwasanze Minisiteri y'Ubutabera yarahaye Ubwunganizi amafaranga y'u Rwanda 876.000, bityo rutegeka Ubwunganizi gutanga imyanzuro yabwo bitarenze itariki ya 11 Ugushyingo 2013. Rwasubitse kandi iburanisha kugeza ku itariki ya 18 Ugushyingo 2013.

B. Ibiganiro na Minisiteri y'Ubutabera

18. Ku itariki ya 25 Nzeri 2013, navuganye na Bwana Pascal Bizimana, Umunyamabanga uhoraho muri Minisiteri y'Ubutabera akaba n'uwungirije Intumwa ya Leta y'u Rwanda, ku kibazo cy'amafaranga agomba gukoreshwa mu iperereza ry'Ubwunganizi mu rubanza rwa Uwinkindi. Bwana Bizimana yavuze ko muri Kanama 2013, Minisiteri y'Ubutabera yashyikirijwe n'Ubwunganizi bwa Uwinkindi umubare w'amafaranga buteganya gukoresha. Yavuze ko muri ayo mafaranga harimo n'azakoreshwa mu ngendo mu bihugu by'i Burayi, Afurika no muri Amerika y'Amajyaruguru.
19. Bwana Bizimana yavuze ko ayo mafaranga bifuzaga yarimo n'azakoreshwa mu ngendo zo mu Rwanda. Yavuze ko Minisiteri izasuzuma iyo mbonerahamwe ifatanyije n'Urugaga rw'Abavoka hanyuma bakazategura umushinga w'amasezerano bazasinyana n'Ubwunganizi iyo mbonerahamwe y'amafaranga nimara kwemezwa. Yavuze ko icyo gihe hari ibisobanuro bya ngombwa byaburaga muri iyo mbonerahamwe. Yavuze ko bitewe n'uko ibyo birebana no gukoresha amafaranga ya Leta, hari inzira z'uburyo atangwamo zigomba kubahirizwa.
20. Bwana Bizimana yasobanuye ko, mu gusaba ibindi bisobanuro, Minisiteri y'Ubutabera idasaba imyirondoro y'abatangabuhamya bashinjura, ko basaba gusa amakuru yerekeye imigi Ubwunganizi bwifuzza kuzasura, umubare w'iminsi

R(RM)13-0008K

8

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

28 Ukwakira 2013

bazamara muri buri mugi, n'umubare w'abantu bwifuzaga kuzaganira na bo. Yavuze ko kuri buri mugi hari umubare wihariye w'amafaranga agenwa, bityo hakaba hakenewe ibisobanuro by'inyongera.

21. Ku itariki ya 2 Ukwakira 2013, Bwana Bizimana yamenyesheje ko Minisiteri y'Ubutabera yatanze amafaranga akenewe n'Ubwunganizi kugira ngo bukore iperereza ku batangabuhama baba mu Rwanda.

C. Ibiganiro na Bwana Uwinkindi byo ku itariki ya 26 Nzeri 2013

22. Ku itariki ya 26 Nzeri 2013, nabonye na Bwana Uwinkindi kuri Gereza nkuru ya Kigali (« Gereza ») hari n'umwunganira Bwana Gashabana. Bwana Uwinkindi yavuze ko habayeho kugerageza kugabanya umubare w'inshuro abavoka bamwunganira bashoboraga kuza kumusura muri Gereza. Bwana Uwinkindi yongeyeho ko afite impungenge ko kugabanya umubare w'amasaha amarana n'abamwunganira no kwemerera gusa avoka umwe kuza kumureba kuri buri nshuro bizagabanya ubushobozi bw'ikipe imwunganira mu gutegura urubanza. Bwana Gashabana yongeyeho ko ibyo byongeyeho no kubura amafaranga akenewe mu gukora perereza byatuma habaho urubanza rutaboneye.
23. Bwana Gashabana yavuze ko abavoka bunganira ari bo bagomba kugena igihe bakeneye kumarana n'uwo bunganira kugira ngo bategure urubanza. Yavuze ko Ubwunganizi bwigenga mu kazi kabwo kandi ko ukwivanga kose kw'abategetsi, barimo n'Ubushinjacyaha mu buryo Ubwunganizi bukora umurimo wabwo byabangamira ubushobozi bwabwo bukuze inshingano zabwo.
24. Bwana Gashabana yavuze ko, muri Kanama 2013, Ubwunganizi bwashyikirije Minisiteri y'Ubutabera umubare w'amafaranga bwifuzaga. Yavuze ko aho gusubiza Ubwunganizi, iyo Minisiteri yoherereje Ubushinjacyaha amabaruwa yose yandikiranye n'Ubwunganizi, Ubushinjacyaha burangije na bwo bubitanga mu Rukiko Rukuru ku itariki ya 5 Nzeri 2013. Bwana Gashabana yavuze ko kuba Ubushinjacyaha bwamenyeshejwe ayo mabaruwa butari bufite uburenganzira

R(RM)13-0008K

9

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

28 Ukwakira 2013

bwo kuyabona, byatumye haba imiburanishirize itaboneye kandi byabangamiye ubwigenge bw'Ubwunganizi mu kazi kabwo ko kwiregura mu rubanza⁶.

25. Ku byerekeye icyifuzo cy'amafaranga cyashyikirjwe Minisiteri y'Ubutabera, Bwana Gashabana yavuze ko « ibisobanuro birambuye » byose bisabwa n'iyi Minisiteri byari byaratanzwe mu cyifuzo cy'amafaranga cyatanzwe bwa mbere muri Kanama 2013. Yakomeje avuga ko muri icyo cyifuzo cy'amafaranga bashaka harimo n'amazina y'imigi n'ibihugu Ubwunganizi bwifuzaga gusurira, umubare w'iminsi bazamara muri buri mugi, umubare w'abantu bifuzaga kubonana na bo, n'umubare w'amafaranga yatangwa ku iperereza. Bwana Gashabana yavuze ko Ubwunganizi bwari bwaratanze ibindi bisobanuro byose-uvanyemo amazina y'abatangabuhamya- bikenewe na Minisiteri y'Ubutabera kugira ngo ifate icyemezo kuri ayo mafaranga. Bwana Gashabana na none yavuze ko ku itariki ya 23 Nzeri 2013, Ubwunganizi bwamenyeshajwe umubare w'amafaranga Minisiteri yumvanga yatanga, hanyuma ku itariki ya 26 Nzeri 2013, Ubwunganizi bushyikiriza igisubizo cyabwo ku mubare w'amafaranga bubona bukwiye guhabwa.
26. Bwana Uwinkindi yavuze ko, arebye imyiteguro y'Ubwunganizi aho igeze no kuba budashobora kubona amafaranga, asanga nta gushidikanya atabona ubutabera buboneye mu Rwanda. Yavuze ko igihe cyose abagenzuzi bashyizweho na ICTR / MICT bamusuye, yabahaye « ingero nyinshi » ku nzitizi zituma atabona ubutabera buboneye mu Rwanda. Bwana Uwinkindi yerekanye ko atishimiye abagenzuzi bashyizweho na ICTR / MICT kubera ko badatanga raporo z'ukuri ku nzitizi we n'Ubwunganizi bwe bahura na zo mu Rwanda. Yavuze ko ababazwa n'uko, rimwe na rimwe, ibyo we n'Abavoka be bavugaga bitandikwa muri raporo z'ubugenzuzi. Bwana Uwinkindi yavuze ko ababajwe no kubona ko muri raporo z'abagenzuzi bashyirwaho na ICTR / MICT nta byifuzo batanga byatuma ahabwa ubutabera buboneye mu Rwanda. Bwana Uwinkindi yinubiye kandi ko abagenzuzi

⁶ Bwana Pascal Bizimana, Umunyamabanga uhoraho muri Minisiteri y'Ubutabera akaba n'Intumwa ya Leta yungirije yamenyeshaje ku itariki ya 25 Nzeri 2013 ko izo nyandiko zatanzwe bisabwe n'Ubushinjacyaha kuko Ubushinjacyaha bwashakaga gusubiza ingingo y'Ubwunganizi ivuga ko Ubwunganizi budashobora gukora akazi kabwo ko kwiregura mu rubanza bitewe n'ibura ry'amafaranga akenewe.

28 Ukwakira 2013

bashyizweho na ICTR / MICT batabwiye ICTR na MICT ibikwiye gukorwa ngo batange n'impamvu hakwiye gufatwa icyemezo cyo kwisubiza urubanza rwe rwoherejwe mu Rwanda.

27. Bwana Uwinkindi yavuze ko amagambo y'Ubushinjacyaha ku byerekeye ibyaha Bwana Uwinkindi yakoze yavuzwe mu itangazamakuru cyane ku buryo kuri rubanda afatwa nk'uwamaze guhamwa n'ibyaha aregwa. Bwana Uwinkindi yasobanuye ko yifuza ko urubanza rwe rutangira kandi rukarangira nta kuzarira, n'ubwo atari ko Ubushinjacyaha bubivuga. Yavuze ko, we nk'umukozi w'Imana, akeneye kweza izina rye ryaharabitswe. Ashimangira ariko ko « abayobozi » barimo bakerereza urubanza rwe badatanga uburyo bukenewe gukoreshwa n'ikipe y'Ubwunganizi.
28. Bwana Uwinkindi yasobanuye ko Ubushinjacyaha bukerensa ibibazo Ubwunganizi buhura na byo mu gukora amaperereza. Yavuze ko hari abantu bashobora kuzamubera abatangabuhamya ariko akaba atazi aho baherereye. Aramutse amenye aho baba, yabahamagaza bakavuguruza ibimenyetso bitangwa n'Ubushinjacyaha. Yavuze ko kubera ko ibyaha aregwa byabaye mu wa 1994, benshi mu batangabuhamya bashobora kuba baravuye mu Rwanda bakajya mu bihugu nka Congo Brazzaville, Malawi, Kenya, Zambia, Zimbabwe ndetse no mu bihugu by'i Burayi. Bwana Uwinkindi abona ko umurimo wa mbere w'Ubwunganizi ari ugutahura aho abo batangabuhamya baherereye hanyuma byashoboka bagahura na bo imbona nkubone. Asobanura ko bamwe muri bo bishoboka ko baba mu nkambi z'impunzi mu gihe bene wabo cyangwa abasanzwe babazi batazi ko bari muri izo nkambi.
29. Bwana Uwinkindi yambwiye ko yategetse Abavoka be kushyikiriza MICT icyifuzo gisaba kwisubiza urubanza rwe rwoherejwe mu Rwanda.

28 Ukwakira 2013

D. Ibiganiro n'Umuyobozi wa Gereza byo ku itariki ya 26 Nzeri 2013

30. Ku itariki ya 26 Nzeri 2013, naganiriye na Bwana Rusa Gahima, umuyobozi wa gereza, ku birebana n'uburyo Bwana Uwinkindi na Bwana Bernard Munyagishari, undi mufungwa woherejwe kuburanishwa mu Rwanda, bafunzwemo.
31. Bwana Gahima yambwiye ko ku itariki ya 17 Nzeri 2013, itsinda ry'abashinjacyaha hamwe n'umujyanama w'Umushinjacyaha mukuru w'u Rwanda (itsinda rigizwe n'abantu batandatu) basuye igice cyihariye cya gereza aho aboherejwe kuburanishwa mu Rwanda bafungwiye. Bwana Gahima yavuze ko iyo kipe iturutse mu biro by'Umushinjacyaha mukuru yabonye na Bwana Gahima ubwe ari kumwe n'umujyanama mu by'amategeko wa Komiseri mukuru w'Urwego rw'igihugu rushinzwe imfungwa n'abagororwa « Urwego rushinzwe imfungwa n'abagororwa ». Nyuma yo kubonana na Bwana Gahima, iyo kipe yabonye n'imfungwa muri rusange na buri mfungwa kugira ngo basuzume imibereho myiza yabo n'uburyo ababa muri icyo gice cyihariye bafunzwemo. Imfungwa zirimo na Bwana Uwinkindi zabwiye abagize iyo kipe ibitekerezo byazo ku buryo zifunzemo.
32. Bwana Gahima yavuze ko, ku itariki ya 19 Nzeri 2013, abakozi bakuru bo mu Rwego rw'igihugu rushinzwe imfungwa n'abagororwa bakoranye indi nama n'Ibiro by'Umushinjacyaha mukuru ku birebana n'imibereho myiza y'abafungwiye mu gice cyihariye cya gereza. Bwana Gahima yavuze ko muri iyo nama hafashwe icyemezo cyo gushaka ibikenewe n'imfungwa ku birebana n'amafunguro, ibiryamirwa, ibikoresho byo mu gikoni, imyidagaduro, itumanaho, n'ibindi. Hashingiye ku byemejwe n'iyi nama, Bwana Gahima yambwiye ko ikipe y'abantu batatu, barimo umujyanama mu by'amategeko, umukozi ushinzwe imibereho myiza ndetse n'umucungamari wa gereza bakoze inama basuzuma amafaranga akenewe kugira hagurwe ibintu byose bigomba guhabwa abafungwa. Bwana Gahima yavuze ko imibare yabonetse izashyikirizwa Urwego rw'igihugu rushinzwe imfungwa n'abagororwa kugira ngo rubisuzume kandi ko iyo gahunda izashyirwa mu bikorwa vuba. Bwana Gahima yanyeretse inyandiko isobanura ibigomba gukorwa, akavuga ko yoherejwe ubuyobozi bw'Urwego rw'igihugu rushinzwe imfungwa

R(RM)13-0008K

12

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

28 Ukwakira 2013

n'abagororwa kugira ngo ruyemeze. By'umwihariko, Bwana Gahima yibanze ku bintu bikurikira:

- a Hagomba gukorwa urutonde rushya rw'ibiribwa bigize ifunguro rya mu gitondo, iryo ku manywa n'irya nimugoroba hifashishijwe inzobere mu by'imirire n'abanyururu ubwabo kugira ngo ibiribwa biteganyirizwa abafunguwe mu gipangu cyihariye cya Gereza bibe bihagije kandi bifite ubuziranenge bukwiye;
- b Abanyururu bagomba guhabwa ibikoresho by'isuku yabo bwite;
- c Hagomba gutangwa ibikoresho birimo amashuka n'ibiringiti hamwe n'ibikoresho byo mu gikoni n'ibyho ku meza;
- d Hagomba gutangwa televiziyo ifite dekoderi ishobora kwerekana za porogaramu nyinshi hakubiyemo iz'amasiporo n'iz'ibindi bintu byo muri iki gihe;
- e Hagomba kwitabwaho ibikenerwa n'imfungwa mu itumanaho kandi Gereza igomba kuzirihira amafaranga anyuze mu gaciro bakoresha mu gutelefona;
- f Dovi y'ibikenerwa n'imfungwa mu kwivuzwa igomba gukorwa kandi serivisi yo kubavura igomba gutunganywa kurushaho;
- g Hagomba kubakwa inyubako nshya mu gipangu cyihariye cyo muri gereza igizwe n'ibyumba bibiri birimo ameza, intebe, mudasobwa n'imashini isohora inyandiko zanditswe kuri mudasobwa (« *printer* ») kugira ngo imfungwa zishobore gukora no kubonana n'Abavoka bazunganira⁷;

⁷ Gahima yaneretse pula y'umushinga w'iyo nyubako kandi yanjyanye kureba aho iyo nyubako izaba iherereye mu gipangu cyihariye cyo muri gereza.

28 Ukwakira 2013

- h Ahakorerwa siporo n'ibikoresho bya siporo mu gipangu cya gereza cyihariye bigomba kwitabwaho kurushaho kandi imfungwa zigomba kwemererwa gukorera siporo hanze y'igipangu cyihariye kabiri mu cyumweru;
 - i Serivisi zirebana n'idini zigenerwa imfungwa zigomba kubera mu gipangu cyihariye cya gereza ubwacyo; kandi
 - j Igihe cyateganyijwe imfungwa ishobora gusurwa mu cyumweru kigomba kongerwa kikaba iminota 30 aho kuba 10 igenerwa izindi mfungwa. Byongeye kandi, iyo abasura baturutse kure, abakozi ba gereza bashobora kongera igihe cy'iminota 30 cyagenewe isurwa rya buri mfungwa mu cyumweru.
33. Gahima yavuze ko azagenda amenyesha buri gihe abagenzuzi bashyizweho na TPIR / MICT ku birebana n'ishyirwa mu bikorwa by'izo ngamba.

E. Inama n'ibiganiro n'abayobozi bo mu Bushinjacyaha

34. Ku itariki ya 25 Nzeri 2013, nagiyeye kuramutsa Umunshinjacyaha mukuru w'u Rwanda mushya, Bwana Richard Muhumuzi n'Umushinjacyaha mukuru wungirije Madamu Agnès Mukagashugi. Umujyanama mu by'amategeko w'Umushinjacyaha mukuru w'u Rwanda, Madamu Florida Kabasinga, wahoze akora muri ICTR/TPIR, na we yari muri icyo nama. Kubera ko nari nazanywe gusa no kuramutsa abo bayobozi bashya no kubiyereka, ntawandikaga muri icyo kiganiro kandi nta bibazo bifatika byaganirwaho. Jyewe n'Umushinjacyaha mukuru twasezeranye ko dukomeza ubufatanye mu kugenzura imigendekere y'imanza zoherejwe kuburanishwa mu Rwanda.
35. Ku itariki ya 10 Ukwakira 2013, nakoranye inama na Bwana Jean-Bosco Mutangana, Umushinjacyaha mu rwego rw'igihugu ushinzwe dosiye ya Uwinkindi. Bwana Mutangana yavuze ko Ubushinjacyaha bwiteguye kuburana urwo rubanza kandi bushobora gutangira guhamagaza abatangabuhamya bashinje igihe cyose

R(RM)13-0008K

14

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

28 Ukwakira 2013

Urukiko Rukuru rwabitegeka. Bwana Mutangana yavuze ko Ubushinjacyaha budakora iperereza ku Bwunganizi ku ikoreshwa nabi ry'amafaranga rivugwa. Ariko yavuze ko Ubushinjacyaha bwagombaga kumenyesha icyo kintu Urukiko kubera ko bireba amafaranga ava mu isanduka ya Leta. Yavuze ko Ubushinjacyaha butagomba kwivanga mu mikoranire y'Ubwunganizi n'Urugaga rw'Abavoka cyangwa na Minisiteri y'Ubutabera.

F. Ibaruwa isaba « kwisobanura » yanditswe n'Urugaga rw'Abavoka

36. Ku itariki ya 10 Ukwakira 2013, Perezida w'Urugaga rw'Abavoka rw'i Kigali, Bwana Athanase Rutabingwa, yandikiye ibaruwa Abavoka b'Ubwunganizi ari bo Bwana Gashabana na Niyibizi abasaba «kwisobanura» bitarenze itariki ya 15 Ukwakira 2013 ku byerekeye icyifuzo cyo ku itariki ya 14 Nzeri 2013 Ubwunganizi bwoherereje MICT buyisaba kwisubiza urubanza rwa Bwana Uwinkindi rwoherejwe mu Rwanda. Ibaruwa y'Urugaga rw'Abavoka b'i Kigali ivuga ko Abavoka bunganira Uregwa bashyizweho n'Urugaga, bityo urwo Rugaga rukaba rwatangajwe n'icyo cyifuzo gisaba kwisubiza urubanza, Abavoka batabanje kuvugana n'Urugaga ku bintu bivugwa muri icyo cyifuzo.
37. Ku itariki ya 14 Ukwakira 2013, Bwana Gashabana na Bwana Niyibizi barasubije. Mu byo bavuze harimo kubaza Urugaga kubabwira amategeko rushingiraho rubabwira ko bagomba kubanza kurumenyesha mbere yo gushyikiriza icyifuzo gisaba kwisubiza urubanza rwoherejwe mu Rwanda. Abavoka bunganira Uregwa basobanuye ko bashyikirije icyifuzo gisaba kwisubiza urubanza bagendeye ku mabwiriza y'uwo baburanira⁸.
38. Mu kiganiro nagiranye na Bwana Gashabana ku itariki ya 26 Ukwakira 2013, yambwiye ko mu gushyikiriza kiriya cyifuzo gisaba kwisubiza urubanza, icyo Ubwunganizi bwakoze kwari ukuzuzwa gusa inshingano zabwo ku mukiriya

⁸ Ubwunganizi bwampaye kopi y'ibaruwa yo ku itariki ya 10 Ukwakira 2013 yanditswe n'Urugaga rw'Abavoka rw'i Kigali kimwe na kopi y'ibaruwa y'Ubwunganizi yo ku itariki ya 14 Ukwakira 2013 isubiza iy'Urugaga.

28 Ukwakira 2013

baburanira kandi ko ibaruwa bandikiwe n'Urugaga ifatwa nk'uburyo bwo kwivanga mu kazi k'Ubwunganizi.

G. Ibijyanye no kurinda umutekano w'abatangabuhamya

39. Ku itariki ya 10 Ukwakira 2013, jyewe na Bwana Samuel Algozin, umugenzuzi mushya washyizweho na ICTR / MICT, twasuye ibiro bya Bwana Janvier Bayingana, inzobere mu byo kurindira umutekano abatangabuhamya, mu Rukiko rw'Ikirenga rw'u Rwanda. Bwana Bayingana yavuze ko ababuranyi bombi mu rubanza rwa Uwinkindi bagejeje urutonde rw'abatangabuhamya ku Gashami gashinzwe kurinda umutekano w'abatangabuhamya (« Agashami gashinzwe umutekano w'abatangabuhamya »). Yavuze ko ako Gashami kiteguye kuzana abatangabuhamya baboneka kuza gutanga ubuhamya igihe cyose Urukiko Rukuru ruzabisabira. Yavuze ko kugeza kuri iyo tariki twabonaniyeho (10 Ukwakira), nta byifuzo byari byagatangwa bisaba gufata ingamba zihariye zo kurinda abatangabuhamya.
40. Bwana Bayingana yavuze ko, mu gihe nta bisabwa byihariye biriho muri urwo rwego, Agashami gashinzwe umutekano w'abatangabuhamya gafata abatangabuhamya bose nk'abarindiwe umutekano kugeza igihe Urukiko Rukuru rubigennye ukundi. Bwana Bayingana yavuze ko bidakomeye kugeza ku Rukiko Rukuru abatangabuhamya batuye mu Rwanda kandi ko kubimenyeshwa icyumweru kimwe mbere y'itariki bakeneweho bihagije.
41. Bwana Bayingana yatubwiye hari igitekerezo cyo gutunganya inama yo guhugura amakipe y'Ubwunganizi akora ku manza zoherejwe mu Rwanda kugira ngo bahugurwe ku birebana n'ingamba zinyuranye ziriho zo kurinda umutekano w'abatangabuhamya n'ubundi buryo bwo gukoresha butangwa n'Agashami gashinzwe kurinda umutekano w'abatangabuhamya.
42. Bwana Bayingana yavuze ko Agashami gashinzwe umutekano w'abatangabuhamya kiteguye korohereza abatangabuhamya baba mu mahanga mu ngendo zabo

28 Ukwakira 2013

no/cyangwa gutunganya uburyo ubuhamya butangwa hakoreshejwe ikoranabuhanga rikoresha amajwi n'amashusho ku batangabuhamya badashaka cyangwa badashoboye gukora urugendo rwo kuza mu Rwanda.

H. Ishyirwaho ry'umugenzuzi mushya

43. Ku itariki ya 30 Nzeri 2013, Constant Hometowu, Umukozi ushinzwe iby'amategeko muri Serivisi y'imanza n'amategeko ya TPIR/ICTR, yasezeye mu kazi k'Urukiko. Kubera ibyo, imirimo yakoraga nk'umugenzuzi washyizweho na TPIR / MICT na yo yahise irangira.
44. Ku itariki ya 3 Ukwakira 2013, Gerefiye wa MICT yashyizeho Samuel Algozin, Umukozi ushinzwe iby'amategeko muri MICT, nk'umugenzuzi usimbura Hometowu⁹.

III. UMWANZURO

45. Urukiko Rukuru ruzasubukura urubanza rwa Uwinkindi ku itariki ya 18 Ugushyingo 2013.
46. Imishyikirano irakomeje hagati y'Abavoka bunganira Uwinkindi na Minisitari y'Ubutabera ku birebana n'amafaranga azakoreshwa mu gushaka no kubaza ibibazo abatangabuhamya bataba mu Rwanda.

Anees Ahmed

Umugenzuzi washyizweho na ICTR mu rubanza rwa Uwinkindi
(Umukono)

⁹ Mu rubanza rwa Jean Bosco Uwinkindi N° MICT-1225 no mu rwa Bernard Munyagishari, N° MICT-12-20, icyemezo gishyiraho umugenzuzi, 3 Ukwakira 2013, urup. 2.